

NATURE OF CHARGE: Misbranding, Section 502 (a), the name of the product and certain statements appearing on the bottle label and on the accompanying placards were false and misleading. Such statements, together with the name of the product, represented and suggested that the article was an adequate and effective treatment for arthritis and rheumatism, whereas the article was not an adequate and effective treatment for such conditions. The article was misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: April 1, 1953. Default decree of destruction.

4055. Misbranding of Kon-trol-R. U. S. v. 830 Cartoned Bottles, etc. (F. D. C. No. 34689. Sample No. 56942-L.)

LIBEL FILED: February 26, 1953, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 20, 1952, by the Kon-trol-R Co. of America, from Indianapolis, Ind.

PRODUCT: 830 cartoned bottles of *Kon-trol-R* at Cincinnati, Ohio, together with a number of circulars entitled "Kon-trol-R For Your Figure." The bottles were in ½-pint and 1-pint sizes. Examination showed that the product was mint-flavored cider vinegar.

LABEL, IN PART: (Bottle and carton) "Kon-trol-R For Your Figure * * * A Special Blend of Pure Apple Juice Processed for Optimum Acidity, Mint Flavored."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the article and in the accompanying circular were false and misleading since the statements represented and suggested that the article was effective to bring about a loss of body weight, whereas the article was not effective for that purpose.

The article was alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: April 20, 1953. Default decree of condemnation and destruction.

4056. Misbranding of Derma-Cura medicated skin cleanser. U. S. v. 24 Bottles * * *. (F. D. C. No. 34146. Sample No. 44343-L.)

LIBEL FILED: December 3, 1952, District of Rhode Island.

ALLEGED SHIPMENT: On or about August 28, 1952, by Derma-Cura Laboratories, from Worcester, Mass.

PRODUCT: 24 6-ounce bottles of *Derma-Cura medicated skin cleanser* at Woonsocket, R. I.

LABEL, IN PART: (Bottle) "Derma-Cura Medicated A Pore Deep Skin Cleanser * * * Contains camphor, boric acid, essential oils, alcohol 171 c. c. 6 fl. oz."

NATURE OF CHARGE: Misbranding, Section 502, (a), certain statements on the bottle label and in the circular entitled "Derma-Cura Medicated A Pore Deep Skin Cleanser for particular people" attached to each bottle were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for pyogenic skin infections, freeing clogged skin pores, and stimulating growth of new skin when old skin had been destroyed by infection, rendering the skin sterile and free from eruptions. The article was not an adequate and effective treatment for such conditions and purposes.

DISPOSITION: On December 23, 1952, "Respondent's Answer" was filed, which did not state or establish the name of any person or concern having an interest in the property under seizure. Moreover, no claim of ownership to establish an interest in the seized property was filed. In these circumstances, a motion was made on behalf of the Government for the entry of a decree of condemnation. On June 23, 1953, after consideration of the Government's motion, judgment of condemnation was entered and the court ordered that the product be destroyed.

4057. Misbranding of Radiant Ozone Generator. U. S. v. 1 Device, etc. (F. D. C. No. 34676. Sample No. 54761-L.)

LABEL FILED: February 25, 1953, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about November 30, 1952, J. C. Gage, doing business as Wayside Health Home, Eldorado Springs, Mo., delivered to Oscar E. Buchanan 1 device and accompanying printed matter which then were transported by Mr. Buchanan from Eldorado Springs, Mo., to Alma, Mich.

PRODUCT: 1 *Radiant Ozone Generator* at Alma, Mich., together with a number of mimeographed direction sheets, a mimeographed sheet headed "Color," a number of mimeographed sheets of testimonials, and a mimeographed copy of an affidavit, dated November 21, 1947, and signed by J. C. Gage, referring to the testimonials.

The device consisted essentially of a series of tubes, which were similar to neon tubes, with connections for attachment to a source of electric current.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned printed matter accompanying the device were false and misleading. The statements represented and suggested that the device would give one health and strength and help one to get well, and that it constituted an adequate and effective means for the treatment of arthritis, angina, diphtheria, mumps, whooping cough, asthma, bladder and kidney trouble, blood disorders, anemia, cancer, diabetes, cataract, catarrh, heart trouble, hay fever, colds, sinus trouble, liver trouble, neuritis, piles, prostate gland affections, colitis, constipation, pneumonia fever, paralysis, rheumatism, ulcers, sores, sprains, varicose veins, tuberculosis, mastoid affections, earache caused by cold or injury, migraine headaches, stiff knee, stiff hip, stiff back, swollen leg, bronchial disturbances, low blood pressure, weakened, rundown condition, piles, bloat, throat trouble, bruise, diseases caused by impure blood and poor circulation, nervous breakdown, crippled knee, nervousness, inflammation of kidneys, blood clots, flu, soreness in the neck, prostate gland trouble, stomach trouble, paralysis, high blood pressure, enlarged heart, appendicitis, boils, poison oak, chickenpox, sciatic rheumatism, headaches, cramps in the leg, gland trouble, and "all diseases known to suffering humanity." The device would not give one health and strength or help one to get well, and it did not constitute an adequate and effective means for the treatment of the conditions stated and implied.

DISPOSITION: April 16, 1953. Default decree of condemnation. The court ordered that the device and the printed matter be delivered to the Food and Drug Administration.

4058. Misbranding of Radiant Ozone Generator. U. S. v. 1 Device, etc. (F. D. C. No. 34641. Sample No. 10079-L.)

LABEL FILED: February 6, 1953, Eastern District of Wisconsin.